

SENATE BILL No. 335

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-21.5-2-5; IC 5-14; IC 5-29; IC 6-1.1-43-1; IC 8-3-1-21.1; IC 8-21-9-12; IC 9-21-4-5; IC 14-10-1-1; IC 14-13; IC 14-18; IC 14-20; IC 4-4-3.5; IC 4-4-3.6; IC 4-4-29.

Synopsis: Department of tourism. Terminates the transfer scheduled for July 1, 2005, of the tourism and community development functions of the department of commerce to a department of tourism and community development. Establishes the department of tourism. Transfers tourism functions of the department of commerce to the department of tourism. Transfers community development functions of the department of commerce to the Indiana economic development corporation. Replaces obsolete references to the department of commerce with references to the Indiana economic development corporation, the office of energy policy, or the department of tourism, as appropriate. Makes other changes.

Effective: July 1, 2005.

Simpson

January 11, 2005, read first time and referred to Committee on Appropriations.

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Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

SENATE BILL No. 335

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-21.5-2-5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. This article does not
3 apply to the following agency actions:

4 (1) The issuance of a warrant or jeopardy warrant for the
5 collection of taxes.

6 (2) A determination of probable cause or no probable cause by the
7 civil rights commission.

8 (3) A determination in a factfinding conference of the civil rights
9 commission.

10 (4) A personnel action, except review of a personnel action by the
11 state employees appeals commission under IC 4-15-2 or a
12 personnel action that is not covered by IC 4-15-2 but may be
13 taken only for cause.

14 (5) A resolution, directive, or other action of any agency that
15 relates solely to the internal policy, organization, or procedure of
16 that agency or another agency and is not a licensing or
17 enforcement action. Actions to which this exemption applies

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1 include the statutory obligations of an agency to approve or ratify
2 an action of another agency.

3 (6) An agency action related to an offender within the jurisdiction
4 of the department of correction.

5 (7) A decision of the **Indiana economic development**
6 **corporation, the department of commerce, tourism, the office**
7 **of energy policy**, the department of environmental management,
8 the enterprise zone board, the tourist information and grant fund
9 review committee, the Indiana development finance authority, the
10 Indiana business modernization and technology corporation, the
11 corporation for innovation development, the Indiana small
12 business development corporation, or the lieutenant governor that
13 concerns a grant, loan, bond, tax incentive, or financial guarantee.

14 (8) A decision to issue or not issue a complaint, summons, or
15 similar accusation.

16 (9) A decision to initiate or not initiate an inspection,
17 investigation, or other similar inquiry that will be conducted by
18 the agency, another agency, a political subdivision, including a
19 prosecuting attorney, a court, or another person.

20 (10) A decision concerning the conduct of an inspection,
21 investigation, or other similar inquiry by an agency.

22 (11) The acquisition, leasing, or disposition of property or
23 procurement of goods or services by contract.

24 (12) Determinations of the department of workforce development
25 under IC 22-4-18-1(g)(1), IC 22-4-40, or IC 22-4-41.

26 (13) A decision under IC 9-30-12 of the bureau of motor vehicles
27 to suspend or revoke the driver's license, a driver's permit, a
28 vehicle title, or a vehicle registration of an individual who
29 presents a dishonored check.

30 (14) An action of the department of financial institutions under
31 IC 28-1-3.1 or a decision of the department of financial
32 institutions to act under IC 28-1-3.1.

33 (15) A determination by the NVRA official under IC 3-7-11
34 concerning an alleged violation of the National Voter Registration
35 Act of 1993 (42 U.S.C. 1973gg) or IC 3-7.

36 (16) Imposition of a civil penalty under IC 4-20.5-6-8 if the rules
37 of the Indiana department of administration provide an
38 administrative appeals process.

39 SECTION 2. IC 5-14-1.5-6.1 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6.1. (a) As used in this
41 section, "public official" means a person:

42 (1) who is a member of a governing body of a public agency; or

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(2) whose tenure and compensation are fixed by law and who executes an oath.

(b) Executive sessions may be held only in the following instances:

(1) Where authorized by federal or state statute.

(2) For discussion of strategy with respect to any of the following:

(A) Collective bargaining.

(B) Initiation of litigation or litigation that is either pending or has been threatened specifically in writing.

(C) The implementation of security systems.

(D) The purchase or lease of real property by the governing body up to the time a contract or option to purchase or lease is executed by the parties.

However, all such strategy discussions must be necessary for competitive or bargaining reasons and may not include competitive or bargaining adversaries.

(3) For discussion of the assessment, design, and implementation of school safety and security measures, plans, and systems.

(4) Interviews with industrial or commercial prospects or agents of industrial or commercial prospects by the **Indiana economic development corporation, the department of commerce, tourism, the office of energy policy**, the Indiana development finance authority, the **Indiana** film commission, the Indiana business modernization and technology corporation, or economic development commissions.

(5) To receive information about and interview prospective employees.

(6) With respect to any individual over whom the governing body has jurisdiction:

(A) to receive information concerning the individual's alleged misconduct; and

(B) to discuss, before a determination, the individual's status as an employee, a student, or an independent contractor who is:

(i) a physician; or

(ii) a school bus driver.

(7) For discussion of records classified as confidential by state or federal statute.

(8) To discuss before a placement decision an individual student's abilities, past performance, behavior, and needs.

(9) To discuss a job performance evaluation of individual employees. This subdivision does not apply to a discussion of the salary, compensation, or benefits of employees during a budget

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process.

(10) When considering the appointment of a public official, to do the following:

(A) Develop a list of prospective appointees.

(B) Consider applications.

(C) Make one (1) initial exclusion of prospective appointees from further consideration.

Notwithstanding IC 5-14-3-4(b)(12), a governing body may release and shall make available for inspection and copying in accordance with IC 5-14-3-3 identifying information concerning prospective appointees not initially excluded from further consideration. An initial exclusion of prospective appointees from further consideration may not reduce the number of prospective appointees to fewer than three (3) unless there are fewer than three (3) prospective appointees. Interviews of prospective appointees must be conducted at a meeting that is open to the public.

(11) To train school board members with an outside consultant about the performance of the role of the members as public officials.

(12) To prepare or score examinations used in issuing licenses, certificates, permits, or registrations under IC 15-5-1.1 or IC 25.

(c) A final action must be taken at a meeting open to the public.

(d) Public notice of executive sessions must state the subject matter by specific reference to the enumerated instance or instances for which executive sessions may be held under subsection (b). The requirements stated in section 4 of this chapter for memoranda and minutes being made available to the public is modified as to executive sessions in that the memoranda and minutes must identify the subject matter considered by specific reference to the enumerated instance or instances for which public notice was given. The governing body shall certify by a statement in the memoranda and minutes of the governing body that no subject matter was discussed in the executive session other than the subject matter specified in the public notice.

(e) A governing body may not conduct an executive session during a meeting, except as otherwise permitted by applicable statute. A meeting may not be recessed and reconvened with the intent of circumventing this subsection.

SECTION 3. IC 5-14-3-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 4.5. (a) Records relating to negotiations between the department of tourism and industrial, research, or commercial**

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prospects are excepted from section 3 of this chapter at the discretion of the department of tourism if the records are created while negotiations are in progress.

(b) Notwithstanding subsection (a), the terms of the final offer of public financial resources communicated by the department of tourism to an industrial, a research, or a commercial prospect shall be available for inspection and copying under section 3 of this chapter after negotiations with that prospect have terminated.

(c) When disclosing a final offer under subsection (b), the department of tourism shall certify that the information being disclosed accurately and completely represents the terms of the final offer.

SECTION 4. IC 5-29 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

ARTICLE 29. DEPARTMENT OF TOURISM

Chapter 1. Definitions

Sec. 1. The definitions set forth in this chapter apply throughout this article.

Sec. 2. "Council" refers to the Indiana tourism council established by IC 5-29-5-1.

Sec. 3. "Department" refers to the department of tourism established by IC 5-29-2-1.

Sec. 4. "Director" refers to the director of the department of tourism appointed under IC 5-29-2-2.

Chapter 2. Department of Tourism

Sec. 1. The department of tourism is established.

Sec. 2. (a) The lieutenant governor shall appoint the director of the department from a list of individuals recommended for the position by the council. If the lieutenant governor rejects all of the names submitted on a list, the lieutenant governor shall request that the council submit a new list for consideration by the lieutenant governor.

(b) The director serves at the pleasure of the lieutenant governor.

(c) The director is the executive and chief administrative officer of the department.

(d) The director is entitled to compensation in an amount to be fixed by the budget agency with the approval of the lieutenant governor.

Sec. 3. The director may appoint or employ deputy directors, assistants, and employees as necessary in the performance of the

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department's functions. Salaries of personnel shall be fixed by the director, with the approval of the lieutenant governor and the budget agency.

Sec. 4. (a) The department may do the following:

(1) Cooperate with federal, state, and local governments and agencies in the coordination of programs to make the best use of the resources of the state.

(2) Receive and expend funds, grants, gifts, and contributions of money, property, labor, interest accrued from loans made by the department, and other things of value from public and private sources, including grants from agencies and instrumentalities of the state and the federal government. The department:

(A) may accept federal grants for providing planning assistance, making grants, or providing other services or functions necessary to political subdivisions, planning commissions, or other public or private organizations;

(B) shall administer these grants in accordance with the terms of the grants; and

(C) may contract with political subdivisions, planning commissions, or other public or private organizations to carry out the purposes for which the grants were made.

(3) Direct that assistance, information, and advice regarding the duties and functions of the department be given to the department by an officer, agent, or employee of the state. The head of any other state department or agency may assign any of the department's or agency's employees to the department on a temporary basis, or may direct a division or agency under the department's or agency's supervision and control to make a special study or survey requested by the director.

(4) Disseminate information concerning the cultural, recreational, quality of life, and tourism advantages of Indiana.

(5) Plan, direct, and conduct research activities.

(b) The department shall perform the following duties:

(1) Assist in the development and promotion of Indiana's tourist resources, facilities, attractions, and activities.

(2) Implement a federal program delegated to the state to carry out this article.

Sec. 5. The director may establish entities to advise the department on issues determined by the director. If the director establishes an advisory entity under this section, the advisory entity

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1 must:

2 (1) have members that represent diverse geographic areas and
3 economic sectors of Indiana; and

4 (2) include members or representatives of tourism
5 organizations.

6 Sec. 6. The director may adopt rules under IC 4-22-2 to carry
7 out this article.

8 Sec. 7. The director shall be an ex officio nonvoting member of
9 the Indiana economic development corporation board established
10 by IC 4-1.5-4-1.

11 Chapter 3. Tourism Information and Promotion Fund

12 Sec. 1. As used in this chapter, "fund" refers to the tourism
13 information and promotion fund established by section 4 of this
14 chapter.

15 Sec. 2. As used in this chapter, "promotion" includes the
16 planning and conducting of information and advertising
17 campaigns.

18 Sec. 3. As used in this chapter, "tourism group" means a private
19 nonprofit corporation established under Indiana law whose
20 purposes include the promotion of tourist resources and facilities
21 in Indiana.

22 Sec. 4. The tourism information and promotion fund is
23 established. The fund shall be used exclusively for the purpose of
24 section 5 of this chapter.

25 Sec. 5. The department may make grants from the fund to
26 tourism groups for the promotion of tourist resources and facilities
27 in Indiana. However, each grant must be matched by funds
28 provided by the applicant, and the department may not provide
29 more than one-half (1/2) of the funds for a project. The matching
30 funds required from the applicant may be provided by any source
31 except other state funds.

32 Sec. 6. An application for a grant from the fund must include:

33 (1) a detailed description of the proposed project;

34 (2) the short term and long term goals of the project; and

35 (3) an estimate of the total cost of the project based on at least
36 two (2) competitive bids for the materials and services
37 involved, when applicable.

38 Sec. 7. After consideration of the general merits, potential
39 effectiveness, total cost, and other factors regarding the proposed
40 project, the council shall recommend to the director that the
41 application be approved or disapproved, in whole or in part.
42 However, the director shall, based on the council's

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1 recommendation, make the final determination of approval or
2 disapproval of each application.

3 Sec. 8. (a) If the application is approved, the department shall
4 determine the amount of the grant to be made from the fund for
5 the project. When affirmative action on an application has been
6 taken and the appropriate parties notified, the department shall
7 allocate the sum granted from the fund to the account of the
8 tourism group from which the application originated.

9 (b) The department may indicate its intention to reimburse a
10 tourism group for tourism promotion activities by sending the
11 tourism group a letter of credit. However, the department may not
12 pay money to a tourism group for a project until the project is
13 completed. A group may submit vouchers, receipts, and other
14 materials to indicate that a project is completed.

15 Sec. 9. Promotional materials produced with the assistance of
16 funds provided under this chapter must include the following
17 statement: "Produced in cooperation with the Indiana Department
18 of Tourism.".

19 Sec. 10. The department may adopt rules under IC 4-22-2 to
20 carry out this chapter.

21 Chapter 4. Tourism Marketing Fund

22 Sec. 1. As used in this chapter, "fund" refers to the tourism
23 marketing fund established by section 7 of this chapter.

24 Sec. 2. As used in this chapter, "marketing" means the sale, gift,
25 or other transfer of special items or other items in accordance with
26 this chapter.

27 Sec. 3. As used in this chapter, "person" means an individual, a
28 corporation, a limited liability company, a partnership, a firm, an
29 association, a public or private agency, or other organization.

30 Sec. 4. As used in this chapter, "promotion" means the planning
31 and conducting of informational and advertising campaigns.

32 Sec. 5. As used in this chapter, "special item" means an item or
33 a work that:

34 (1) contains a logo, design, trademark, patentable material, or
35 copyrightable material owned by the state or an agency,
36 instrumentality, or public officer of the state; and

37 (2) relates in any way to any of the powers, duties, or
38 functions of the director.

39 Sec. 6. As used in this chapter, "trademark" means a trademark
40 granted by either the United States or a state of the United States.

41 Sec. 7. (a) The tourism marketing fund is established.

42 (b) The director may market special items in any manner, with

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the proceeds to be deposited in the fund. The treasurer of state shall invest money in the fund that is not needed to meet current obligations in the same manner as other public funds may be invested. Interest that accrues from these investments shall be credited to the fund.

(c) The director may receive and accept to be deposited in the fund, grants, gifts, and contributions from public and private sources, in addition to money received from the marketing of special items or other items in accordance with this chapter.

(d) The director shall administer the fund and is responsible for the administration of this chapter. The director, subject to approval by the budget agency, may employ personnel as necessary for the marketing of special items and other items, as well as for the efficient administration of this chapter. The director may also grant exclusive or nonexclusive licenses to a person with respect to the performance of marketing duties or powers under this chapter.

(e) The director may make and execute contracts and all other instruments necessary or convenient for the performance of the director's duties and the exercise of the director's powers and functions under this chapter.

Sec. 8. The director may use the money in the fund for the following:

(1) Future marketing of special items or other items in accordance with this chapter.

(2) The promotion and development of tourism in Indiana.

Sec. 9. A person may not market special items without the written consent of the director, and the director may require royalty payments from a person before giving the director's consent. Money from royalty payments shall be deposited in the fund. Money from royalty payments does not revert to the state general fund.

Sec. 10. The director may begin marketing special items together with other items on or within land or facilities owned or leased by the state, with the cooperation of the state agency, board, or commission in control of the land or facilities.

Sec. 11. The director and every agency, board, and commission of the state are exempt from taxes imposed by the state, except the state gross retail tax (IC 6-2.5-2), arising out of the marketing of special items and other items in accordance with this chapter. However, this section does not exempt any other person from applicable tax on the person's income or business insofar as that person is involved in the marketing of special items or other items

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in accordance with this chapter.

Chapter 5. Indiana Tourism Council

Sec. 1. The Indiana tourism council is established.

Sec. 2. The council consists of the following members:

(1) The lieutenant governor.

(2) Two (2) members of the senate, who may not be members of the same political party, appointed by the president pro tempore of the senate, for a term of one (1) year.

(3) Two (2) members of the house of representatives, who may not be members of the same political party, appointed by the speaker of the house of representatives, for a term of one (1) year.

(4) Six (6) regional tourism industry representatives, appointed by the respective tourism regions, for a term of one (1) year.

(5) Eleven (11) representatives of the private sector, appointed by the governor, for a term of two (2) years.

(6) The director.

(7) The commissioner of the Indiana department of transportation.

(8) The director of the department of natural resources.

(9) A member appointed by the Indiana Hotel and Motel Association, for a term of one (1) year.

(10) A member appointed by the Restaurant and Hospitality Association of Indiana, for a term of one (1) year.

(11) A member appointed by the Association of Indiana Convention and Visitor Bureaus, for a term of one (1) year.

(12) A member appointed by the Council of Indiana Attractions, for a term of one (1) year.

(13) A member appointed by the Indiana Gaming Association, for a term of one (1) year.

(14) A member appointed by the Recreation Vehicle Indiana Council, for a term of one (1) year.

(15) A member appointed by the Indiana Bed and Breakfast Association, for a term of one (1) year.

(16) A member appointed by the Indiana State Festival Association, for a term of one (1) year.

Sec. 3. (a) Seventeen (17) members of the council constitute a quorum.

(b) The affirmative votes of a majority of the members appointed to the council are required for the council to take action.

(c) The lieutenant governor shall serve as chairperson of the

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1 council.

2 (d) The council shall adopt written procedures to govern the
3 transaction of business by the council.

4 (e) A member of the council who is not a state employee is not
5 entitled to the minimum salary per diem provided by
6 IC 4-10-11-2.1(b). The member is also not entitled to
7 reimbursement for traveling expenses and other expenses actually
8 incurred in connection with the member's duties.

9 (f) A member of the council who is a state employee but who is
10 not a member of the general assembly is not entitled to
11 reimbursement for traveling expenses and other expenses actually
12 incurred in connection with the member's duties.

13 Sec. 4. The council shall do the following:

14 (1) Assist in developing goals and objectives for the
15 department.

16 (2) Establish advisory groups to make recommendations to
17 the department on tourism research, development, and
18 marketing.

19 (3) Analyze the results and effectiveness of grants made by the
20 department.

21 (4) Build commitment and unity among tourism industry
22 groups.

23 (5) Create a forum for sharing talent, resources, and ideas
24 regarding tourism.

25 (6) Encourage public and private participation necessary for
26 the promotion of tourism.

27 (7) Make recommendations to the department regarding
28 matters involving tourism.

29 (8) If the position of director is vacant, recommend not less
30 than three (3) individuals for consideration by the lieutenant
31 governor for the position. If the lieutenant governor rejects
32 all of the individuals recommended on a list, the council shall
33 recommend another list of at least three (3) individuals to the
34 lieutenant governor for consideration.

35 (9) Recommend, when appropriate, the dismissal of the
36 director.

37 (10) Make recommendations concerning grants from the
38 tourism information and promotion fund.

39 (11) Review any matter related to the budget of the
40 department and the council and make the recommendations
41 to the budget agency on behalf of the council and the
42 department on any matter related to the budget.

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1 **Sec. 5. The council may receive funds from any source and may**
 2 **expend funds for activities necessary, convenient, or expedient to**
 3 **carry out the council's purposes.**

4 **Sec. 6. The department shall provide support and administrative**
 5 **services to the council.**

6 **Sec. 7. The council shall submit an annual report to the**
 7 **governor and to the general assembly in an electronic format**
 8 **under IC 5-14-6 not later than November 1 each year.**

9 SECTION 5. IC 6-1.1-43-1 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. This chapter applies
 11 to the following economic development incentive programs:

12 (1) Grants and loans provided by the **Indiana economic**
 13 **development corporation, the department of commerce tourism**
 14 **under ~~IC 4-4~~ IC 5-29, or the office of energy policy.**

15 (2) Incentives provided in an economic revitalization area under
 16 IC 6-1.1-12.1.

17 (3) Incentives provided under IC 6-3.1-13.

18 (4) Incentives provided in an airport development zone under
 19 IC 8-22-3.5-14.

20 SECTION 6. IC 8-3-1-21.1 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 21.1. (a) Upon
 22 receiving notice of intent to abandon railroad rights-of-way from any
 23 railroad company, the department shall, upon receipt, notify:

24 (1) the county executives, county surveyors, and cities and towns
 25 of the counties affected;

26 (2) the department of ~~commerce~~; **tourism**;

27 **(3) the Indiana economic development corporation; and**

28 ~~(4)~~ **(4)** the department of natural resources;

29 of the notice.

30 (b) Within one (1) year of a final decision of the Interstate
 31 Commerce Commission permitting an abandonment of a railroad
 32 right-of-way, the railroad shall remove any crossing control device,
 33 railroad insignia, and rails on that portion of the right-of-way that
 34 serves as a public highway and reconstruct that part of the highway so
 35 that it conforms to the standards of the contiguous roadway. The
 36 Indiana department of transportation or the county, city, or town
 37 department of highways having jurisdiction over the highway may
 38 restore the crossing if the unit:

39 (1) adopts construction specifications for the project; and

40 (2) enters into an agreement with the railroad concerning the
 41 project.

42 The cost of removing any crossing control device, railroad insignia,

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1 rails, or ties under this subsection must be paid by the railroad. The
 2 cost of reconstructing the highway surface on the right-of-way must be
 3 paid by the Indiana department of transportation or the county, city, or
 4 town department of highways having jurisdiction over the crossing.

5 (c) If a railroad fails to comply with subsection (b), the Indiana
 6 department of transportation or the county, city, or town department of
 7 highways having jurisdiction over the crossing may proceed with the
 8 removal and reconstruction work. The cost of the removal and
 9 reconstruction shall be documented by the agency performing the work
 10 and charged to the railroad. Work by the agency may not proceed until
 11 at least sixty (60) days after the railroad is notified in writing of the
 12 agency's intention to undertake the work.

13 (d) This section does not apply to an abandoned railroad
 14 right-of-way on which service is to be reinstated or continued.

15 (e) As used in this section, "crossing control device" means any
 16 traffic control device installed by the railroad and described in the
 17 National Railroad Association's manual, Train Operations, Control and
 18 Signals Committee, Railroad-Highway Grade-Crossing Protection,
 19 Bulletin No. 7, as an appropriate traffic control device.

20 (f) Costs not paid by a railroad under subsection (b) may be added
 21 to the railroad's property tax statement of current and delinquent taxes
 22 and special assessments under IC 6-1.1-22-8.

23 (g) Whenever the Indiana department of transportation notifies the
 24 department of natural resources that a railroad intends to abandon a
 25 railroad right-of-way under this section, the department of natural
 26 resources shall make a study of the feasibility of converting the
 27 right-of-way for recreational purposes. The study must be completed
 28 within ninety (90) days after receiving the notice from the Indiana
 29 department of transportation. If the department of natural resources
 30 finds that recreational use is feasible, the department of natural
 31 resources shall urge the appropriate state and local authorities to
 32 acquire the right-of-way for recreational purposes.

33 SECTION 7. IC 8-21-9-12 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 12. (a) The department
 35 ~~shall have~~ **has** jurisdiction only over two (2) major new continental or
 36 intercontinental airport facilities designed and constructed to serve a
 37 ~~portion part~~ **part** of Indiana or adjacent states.

38 (b) The department may designate the location and character of all
 39 airport facilities which the department may hold, own, or over which
 40 it is authorized to act and to regulate all matters related to the location
 41 and character of the airport facilities.

42 (c) The department may designate the location and establish, limit,

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and control points of ingress to and egress from any airport property.

(d) The department may lease to others for development or operation ~~such portions the parts~~ of any airport or airport facility on ~~such~~ terms and conditions as the department considers necessary.

(e) The department may make directly, or through hiring of expert consultants, investigations and surveys of whatever nature, including, but not limited to, studies of business conditions, freight rates, airport services, physical surveys of the conditions of structures, and the necessity for additional airports or for additional airport facilities for the development and improvement of commerce and for the more expeditious handling of ~~such~~ commerce, and to make ~~such~~ studies, surveys, and estimates as are necessary for the execution of its powers under this chapter.

(f) The department may make and enter into all contracts, undertakings, and agreements necessary or incidental to the performance of its duties and the execution of its powers under this chapter. When the cost of any such contract for construction, or for the purchase of equipment, materials or supplies, involves an expenditure of more than five thousand dollars (\$5,000), the department shall make a written contract with the lowest and best bidder after advertisement for not less than two (2) consecutive weeks in a newspaper of general circulation in Marion County, Indiana, and in such other publications as the department shall determine. Such notice shall state the general character of the materials to be furnished, the place where plans and specifications therefor may be examined, and the time and place of receiving bids. Each bid shall contain the full name of every person or company interested in it and shall be accompanied by a sufficient bond or certified check on a solvent bank that if the bid is accepted a contract will be entered into and the performance of its proposal secured. The department may reject any and all bids. A bond with good and sufficient surety, as shall be approved by the department, shall be required of all contractors in an amount equal to at least fifty percent (50%) of the contract price conditioned upon the faithful performance of the contract.

(g) The department may fix and revise ~~from time to time~~ **periodically** and charge and collect equitable rates, fees, rentals, or other charges for the use of any airport facility or airport facilities under its control, which rates, fees, rentals, or other charges shall be in amounts reasonably related to the cost of providing and maintaining the particular airport facility or airport facilities for which these rates, fees, rentals, and other charges are established.

(h) The department may ~~subject to IC 8-9.5-6-1,~~ make application

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for, receive, and accept from any federal agency, grants for or in aid of the planning, construction, operating, or financing of any airport facility, and to receive and accept contributions from any source of either money, property, labor, or other things of value, to be held, used and applied for the purposes for which made, in each case on such terms and conditions as the department considers necessary or desirable. ~~also, to~~ **The department may** enter into and carry out contracts and agreements in connection with ~~any of the foregoing; this subsection.~~

(i) The department may appear in its own behalf before boards, commissions, departments, or other agencies of the federal government or of any state or international conference and before committees of the Congress of the United States and the general assembly of Indiana in all matters relating to the designs, establishment, construction, extension, operations, improvements, repair, or maintenance of any airport or airport facility operated and maintained by the department under this chapter, and to appear before any federal or state agencies in matters relating to air rates, airport services and charges, differentials, discriminations, labor relations, trade practices, and all other matters affecting the physical development of and the business interest of the department and those it serves.

(j) The department may contract for the services of consulting engineers, architects, attorneys, accountants, construction and financial experts, and such other individuals as are necessary in its judgment. However, the employment of an attorney shall be subject to such approval of the attorney general as may be required by law.

(k) The department may do all things necessary and proper to promote and increase commerce within its territorial jurisdiction, including cooperation with civic, technical, professional, and business organizations and associations, **the department of tourism**, and the Indiana ~~department of commerce~~ **economic development corporation**.

(l) The department may establish and maintain a traffic bureau for the purpose of advising the department as to the airport's competitive economic position with other airports.

(m) The department may contract for the use of any license, process, or device, whether patented or not, which the department finds is necessary for the operation of any airport facility, and may permit the use thereof by any lessee on such terms and conditions as the department may determine. The cost of such license, process, or device may be included as part of the cost of the airport facility.

(n) The department may ~~subject to IC 8-9.5-5-8(6);~~ issue airport

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revenue bonds and airport revenue funding bonds.

(o) The department may do all acts and things necessary or proper to carry out the powers expressly granted in this chapter.

SECTION 8. IC 9-21-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) Except as provided in subsection (b), a person may not place or maintain upon a highway a traffic sign or signal bearing commercial advertising. A public authority may not permit the placement of a traffic sign or signal that bears a commercial message.

(b) Under criteria to be jointly established by the Indiana department of transportation and the department of ~~commerce~~, **tourism**, the Indiana department of transportation may authorize the posting of any of the following:

(1) Limited tourist attraction signage.

(2) Business signs on specific information panels on the interstate system of highways and other freeways.

All costs of manufacturing, installation, and maintenance to the Indiana department of transportation for a business sign posted under this subsection shall be paid by the business.

(c) A person may not place, maintain, or display a flashing, a rotating, or an alternating light, beacon, or other lighted device that:

(1) is visible from a highway; and

(2) may be mistaken for or confused with a traffic control device or for an authorized warning device on an emergency vehicle.

(d) This section does not prohibit the erection, upon private property adjacent to highways, of signs giving useful directional information and of a type that cannot be mistaken for official signs.

SECTION 9. IC 14-10-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. The natural resources commission is established. The commission consists of twelve (12) members as follows:

(1) The commissioner of the Indiana department of transportation or the commissioner's designee.

(2) The commissioner of the department of environmental management or the commissioner's designated deputy.

(3) The director of the department of ~~commerce~~ **tourism** or the director's designated deputy.

(4) The director of the department.

(5) The chairman of the advisory council for the bureau of water and resource regulation.

(6) The chairman of the advisory council for the bureau of lands and cultural resources.

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(7) The president of the Indiana academy of science or the president's designee.

(8) Five (5) citizen members appointed by the governor, at least two (2) of whom must have knowledge, experience, or education in the environment or in natural resource conservation. Not more than three (3) citizen members may be of the same political party.

SECTION 10. IC 14-13-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The commission consists of the following members:

(1) The executive of Gary.

(2) The executive of Hammond.

(3) The executive of East Chicago.

(4) The executive of Portage.

(5) The executive of Michigan City.

(6) The executive of Whiting.

(7) The director of the ~~department of commerce~~, **office of economic development within the Indiana economic development corporation or the director's designee**, who is a nonvoting member.

(8) The director of the department, who is a nonvoting member.

(9) One (1) member appointed jointly by the executives of Burns Harbor, Porter, Ogden Dunes, Dune Acres, and Beverly Shores.

(10) The director of the department of tourism or the director's designee, who serves as a nonvoting member.

(b) A member of the commission may designate an individual to serve on the commission in the member's place.

SECTION 11. IC 14-13-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. The commission consists of the following members:

(1) One (1) resident of Vincennes appointed by the executive of Vincennes.

(2) One (1) resident of Mount Vernon appointed by the executive of Mount Vernon.

(3) One (1) resident of Tell City appointed by the executive of Tell City.

(4) One (1) resident of Clarksville appointed by the legislative body of Clarksville.

(5) One (1) resident of Lawrenceburg appointed by the executive of Lawrenceburg.

(6) One (1) resident of Aurora appointed by the executive of Aurora.

(7) One (1) resident of Rising Sun appointed by the executive of

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Rising Sun.

(8) One (1) resident of Jeffersonville appointed by the executive of Jeffersonville.

(9) One (1) resident of New Albany appointed by the executive of New Albany.

(10) One (1) resident of Evansville appointed by the executive of Evansville.

(11) One (1) resident of Madison appointed by the executive of Madison.

(12) One (1) resident of Terre Haute appointed by the executive of Terre Haute.

(13) One (1) resident of Vevay appointed by the legislative body of Vevay.

(14) The director of the ~~department of commerce~~ **office of economic development within the Indiana economic development corporation** or the director's designee, who is a nonvoting member.

(15) The director of the department or the director's designee, who is a nonvoting member.

(16) The director of the department of tourism or the director's designee, who is a nonvoting member.

SECTION 12. IC 14-13-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. The commission consists of the following ~~fourteen (14)~~ **fifteen (15)** members:

(1) Eight (8) members who serve four (4) year terms as follows:

(A) Two (2) residents of Jeffersonville appointed by the executive of Jeffersonville.

(B) Two (2) residents of Clarksville appointed by the executive of Clarksville.

(C) Two (2) residents of New Albany appointed by the executive of New Albany.

(D) One (1) resident of Clark County appointed by the governor.

(E) One (1) resident of Floyd County appointed by the governor.

(2) The executive of Jeffersonville.

(3) The executive of New Albany.

(4) The president of the legislative body of Clarksville.

(5) The director of the ~~department of commerce~~ **tourism** or the director's designee, who serves as a nonvoting member.

(6) The director of the department or the director's designee, who serves as a nonvoting member.

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(7) The commissioner of the Indiana department of transportation or the commissioner's designee, who serves as a nonvoting member.

(8) The director of the office of economic development within the Indiana economic development corporation or the director's designee, who serves as a nonvoting member.

SECTION 13. IC 14-13-6-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. The members of the commission are the following:

(1) The director or the director's designee.

(2) One (1) individual appointed by the county executive of each county that:

(A) contains a part of the corridor; and

(B) chooses to support the activities of the commission by resolution adopted by the county executive.

(3) The director of the Indiana department of transportation, or the director's designee, who shall serve as a nonvoting member.

(4) The director of the division of historic preservation and archaeology of the department of natural resources, or the director's designee, who shall serve as a nonvoting member.

(5) The director of the department of environmental management, or the director's designee, who shall serve as a nonvoting member.

(6) The director of the ~~office department~~ of tourism ~~development of the department of commerce~~, or the director's designee, who shall serve as a nonvoting member.

(7) The director of the office of economic development within the Indiana economic development corporation or the director's designee, who shall serve as a nonvoting member.

SECTION 14. IC 14-18-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The department shall do the following:

(1) Draft and distribute copies of the following to the hotel and motel industry:

(A) A proposed lease and contract.

(B) A notice of the time and place that the department will hold a public hearing to consider the terms and conditions of the proposed lease and contract.

(2) Submit a copy of the proposed lease to the department of ~~commerce~~ **tourism**.

(b) The department of ~~commerce~~ **tourism** shall submit an evaluation and recommendations for amendments for consideration before the public hearing.

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SECTION 15. IC 14-18-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) The department shall do the following:

(1) Draft and distribute copies of the following to the hotel and motel industry:

(A) A proposed lease and contract.

(B) A notice of the time and place that the department will hold a public hearing to consider the terms and conditions of the proposed lease and contract.

(2) Submit a copy of the proposed lease to the department of ~~commerce~~ **tourism**.

(b) The department of ~~commerce~~ **tourism** shall submit an evaluation and recommendations for amendments for consideration before the public hearing.

SECTION 16. IC 14-20-12-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. Thousands of Hoosiers all over the nation have contributed toward the moving and restoration of this historic house and because the house has already proven to be an outstanding tourist attraction and in keeping with our great American heritage, it is the intent of this chapter that the department of ~~commerce~~ **tourism**, the department, and other appropriate state boards and agencies give widespread publicity to this memorial by brochure, pamphlet, or other means.

SECTION 17. IC 14-20-15-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. The commission consists of the following members:

(1) Six (6) members of the house of representatives, to be appointed by the speaker of the house of representatives. Not more than three (3) members appointed under this subdivision may be members of the same political party.

(2) Six (6) members of the senate, to be appointed by the president pro tempore of the senate. Not more than three (3) members appointed under this subdivision may be members of the same political party.

(3) The governor or the governor's designee.

(4) The director of the department of natural resources or the director's designee.

(5) One (1) employee of the department of ~~commerce~~ **tourism** with expertise in the tourism or film industry, to be designated by the ~~lieutenant governor~~ **director of the department of tourism**.

(6) One (1) member of the Indiana historical society, to be appointed by the governor.

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(7) Three (3) Indiana citizens, to be appointed by the governor.
Not more than two (2) members appointed under this subdivision
may be members of the same political party.

SECTION 18. THE FOLLOWING ARE REPEALED [EFFECTIVE
JULY 1, 2005]: IC 4-4-3.5; IC 4-4-3.6; IC 4-4-29.

SECTION 19. P.L.224-2003, SECTION 262, IS AMENDED TO
READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: SECTION 262.

(a) The duties conferred on the department of commerce relating to
tourism ~~and community development~~ are transferred to the department
of tourism ~~and community development~~ on July 1, 2005.

(b) The rules adopted by the department of commerce concerning
tourism ~~and community development~~ before July 1, 2005, are
considered, after June 30, 2005, rules of the department of tourism ~~and~~
~~community development~~ until the department of tourism ~~and~~
~~community development~~ adopts replacement rules.

(c) On July 1, 2005, the department of tourism ~~and community~~
~~development~~ becomes the owner of all property ~~and obligations~~
relating to tourism promotion ~~and community development~~ of the
department of commerce. **Any amounts owed to the department of**
commerce before July 1, 2005, under a program administered after
June 30, 2005, by the department of tourism shall be payable to the
department of tourism.

(d) Any appropriations to the department of commerce relating to
tourism ~~and community development~~ and funds relating to tourism ~~and~~
~~community development~~ under the control or supervision of the
department of commerce on June 30, 2005, are transferred to the
control or supervision of the department of tourism ~~and community~~
~~development~~ on July 1, 2005.

(~~f~~) The legislative services agency shall prepare legislation for
introduction in the 2004 regular session of the general assembly to
organize and correct statutes affected by the transfer of responsibilities
to the department of tourism and community development by this act.

(~~f~~) (e) This SECTION expires January 1, 2006.

SECTION 20. P.L.224-2003, SECTION 263, IS AMENDED TO
READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: SECTION 263.

(a) The duties conferred on the department of commerce relating to
economic development ~~and community development~~ in Indiana,
except those relating to energy policy or tourism, ~~and community~~
~~development~~, are transferred to the Indiana economic development
corporation established by IC 4-1.5-3-1 ~~as added by this act~~, on July 1,
2005.

(b) The rules and policies adopted by the department of commerce

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related to economic development **and community development**, except those related to energy policy and tourism, ~~and community development~~, before July 1, 2005, are considered, after June 30, 2005, policies of the Indiana economic development corporation until the corporation adopts replacement policies.

(c) On July 1, 2005, the Indiana economic development corporation becomes the owner of all property and obligations of the department of commerce that are associated with the economic development activities **and community development activities** of the department of commerce, except property and obligations related to energy policy and tourism. ~~and community development~~. **Any amounts owed to the department of commerce before July 1, 2005, under a program administered after June 30, 2005, by the Indiana economic development corporation shall be payable to the Indiana economic development corporation.**

(d) Any appropriations to the department of commerce and funds under the control or supervision of the department of commerce related to its economic development functions **and community development functions**, except appropriations and funds related to energy policy and tourism, ~~and community development~~, on June 30, 2005, are transferred to the Indiana economic development corporation on January 1, 2005.

(e) Any reference in a law or other document to the department of commerce or director of the department of commerce made before July 1, 2005, and relating to its economic development function **or its community development function** shall be treated after June 30, 2005, as a reference to the Indiana economic development corporation established by this act.

~~(f) The legislative services agency shall prepare legislation for introduction in the 2004 regular session of the general assembly to organize and correct statutes affected by the transfer of responsibilities to the Indiana economic development corporation by this act.~~

~~(g)~~ **(f)** This SECTION expires January 1, 2006.

SECTION 21. [EFFECTIVE JULY 1, 2005] **(a) A reference in any law or other document to the tourism information and promotion fund established by IC 4-4-3.5-2 (repealed by this act) shall be treated after June 30, 2005, as a reference to the tourism information and promotion fund established by IC 5-29-3-4, as added by this act. Money in the tourism information and promotion fund established by IC 4-4-3.5-2 (repealed by this act) shall be treated after June 30, 2005, as available for expenditure from the tourism information and promotion fund established by**

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1 IC 5-29-3-4, as added by this act.

2 (b) A reference in any law or other document to the tourism
3 marketing fund established by IC 4-4-3.6-2 (repealed by this act)
4 shall be treated after June 30, 2005, as a reference to the tourism
5 marketing fund established by IC 5-29-4-7, as added by this act.
6 Money in the tourism marketing fund established by IC 4-4-3.6-2
7 (repealed by this act) shall be treated after June 30, 2005, as
8 available for expenditure from the tourism marketing fund
9 established by IC 5-29-4-7, as added by this act.

10 (c) A reference in any law or other document to the Indiana
11 tourism council established by IC 4-4-29-3 (repealed by this act)
12 shall be treated after June 30, 2005, as a reference to the Indiana
13 tourism council established by IC 5-29-5-1, as added by this act.

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